

F-6976

Ser. No. 09/854,768

from appeal, if required, is respectfully requested. Please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please cancel claims 9-16 without prejudice.

REMARKS

Claims 17-27 remain in this application and are rejected. Claims 9-16 are cancelled.

The courtesies extended by the Examiner in a telephonic interview conducted on January 15, 2003 are gratefully appreciated. In the interview, the rejections of claims 17-27 were discussed.

Claims 9, 14-22 and 24-26 are rejected under 35 U.S.C. §102(b) as being anticipated by and under 35 U.S.C. §103(a) as being unpatentable over Edwards. As claims 9 and 14-16 are cancelled, this rejection is now applicable only to claims 17-22 and 24-26.

F-6976

Ser. No. 09/854,768

The Examiner's rejection is respectfully traversed on the grounds that Edwards does not disclose a heat-insulating container including all of the features of claims 17-22 and 24-26.

Specifically, Edwards does not include a container body having "straight, vertical insulating ribs" arranged on an outer side of a circumferential wall and spaced from one another and "downwardly-facing subsidiary ribs" arranged on the outer side of the circumferential wall and extending a distance from the circumferential wall to thereby form "a double-layered reinforcing and insulating annular portion".

With respect to the "vertical ribs", in the interview, the Examiner took a position that the slanted ribs shown in Fig. 9 of Edwards have a vertical component and a horizontal component and thus the slanted ribs constitute vertical ribs.

The Examiner's position is respectfully traversed on the grounds that by definition, the word "vertical" is an adjective which means perpendicular to the plane of the horizon, directly upright. Thus, the "vertical ribs" are ribs which are perpendicular to the plane of the horizon or extend directly upright. The ribs shown in Fig. 9 of Edwards are not "vertical ribs" since they do not extend

F-6976

Ser. No. 09/854,768

perpendicular to the horizon or directly upright. They are clearly slanted ribs and it is respectfully submitted that it is not possible to break the slanted ribs into a vertical component and horizontal component but rather that the ribs are simply slanted ribs, neither vertical ribs nor horizontal ribs.

*rigid analysis of
Fig. 9 of Edwards,
applicant's Fig. 1
would fail this same
analysis (see that
in Fig. 1 on right
side ribs are not
vertical in cross
but slanted)*

Edwards also does not disclose downwardly-facing ribs arranged between vertical ribs and extending a distance from the circumferential wall to form a double-layered annular portion.

As discussed in the specification in the paragraph bridging pages 2 and 3, the downwardly-facing ribs are provided with a "predetermined clearance" (designated 22) with respect to the circumferential wall, i.e., a space between the ribs 14 and the circumferential wall 9b. As such, there are two layers, one formed by the wall 9b and one formed by the rib 14, in an annular portion around the container separated by the space 22. This double-layered structure is formed "in cooperation with the circumferential wall" as set forth in the specification at page 3, lines 1-2.

There is no double-layered structure in Edwards formed by a downwardly facing rib and an outer circumferential wall separated by a clearance as in the

F-6976

Ser. No. 09/854,768

invention. It is pointed out that the reason why the ribs 40d' in Fig. 9 appear to have a double thickness, which the Examiner asserted corresponds to a double layer, is because the cross-section of 10-10 in Fig. 9 is right at the point where the slanted ribs merge. As such, one thickness is from a left-facing rib and the other thickness is from a right-facing rib. However, the ribs 40d' do not have any double-thickness (as the rib 40 in Fig. 4) but rather only a single thickness.

In view of the foregoing, it is respectfully submitted that Edwards does not disclose all of the features of claim 17 and thus cannot anticipate the embodiment of the invention set forth in claim 17 or in claims 18-22 and 24-26 which depend therefrom.

Furthermore, Edwards does not disclose subsidiary ribs spaced from a circumferential wall by a predetermined clearance in the double-layered reinforcing and insulating annular portion as set forth in claim 24. As noted above, the clearance is a space 22 between the downwardly-facing ribs 14 and the circumferential wall 9b. The ribs 40d' in Edwards are formed against the outer wall without any clearance between the ribs and the outer wall.

F-6976

Ser. No. 09/854,768

In view of the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 17-22 and 24-26 as being anticipated by Edwards has been overcome and should be removed.

Claims 9, 11, 14-22 and 24-27 are rejected under 35 U.S.C. §102(b) as being anticipated by and under 35 U.S.C. §103(a) as being unpatentable over Schwartz. As claims 9, 11 and 14-16 are cancelled, this rejection is now applicable only to claims 17-22 and 24-27.

The Examiner's rejection is respectfully traversed on the grounds that Schwartz does not disclose a heat-insulating container including all of the features of claims 17-22 and 24-27.

Specifically, Schwartz does not include a container body having "downwardly-facing subsidiary ribs" arranged on the outer side of the circumferential wall and extending a distance from the circumferential wall to thereby form "a double-layered reinforcing and insulating annular portion".

In the invention, the downwardly-facing ribs are provided with a space or clearance with respect to the circumferential wall, i.e., a space between the ribs 14

F-6976

Ser. No. 09/854,768

and the circumferential wall 9b, in order to form the double-layered portion. One layer is formed by the wall 9b and the other layer is formed by rib 14. This double-layered structure is a unique feature of the container in accordance with the invention. As set forth in claim 17, the rib extends a distance from the wall "to thereby form" the double-layered structure which implies that it is the positioning of the rib at a distance from the wall which gives rise to the formation of a second layer, with the first layer being the wall.

There is no double-layered structure in Schwartz formed by a downwardly facing rib and an outer circumferential wall separated by a clearance as in the invention. Schwartz shows individual projections on the outer wall of the container which do not cooperate with the outer wall to define a double-layered portion.

In view of the foregoing, it is respectfully submitted that Schwartz does not disclose all of the features of claim 17 and thus cannot anticipate the embodiment of the invention set forth in claim 17 or in claims 18-22 and 24-27 which depend therefrom.

F-6976

Ser. No. 09/854,768

Furthermore, Schwartz does not disclose subsidiary ribs coupled to a circumferential ledge arranged between walls parts having a different diameter as set forth in claim 21.

Schwartz also does not disclose subsidiary ribs spaced from a circumferential wall by a predetermined clearance in the double-layered reinforcing and insulating annular portion as set forth in claim 24. As noted above, the clearance is a space 22 between the downwardly-facing ribs 14 and the circumferential wall 9b. The ribs 13,15 in Schwartz are formed against the outer wall without any clearance between the ribs and the outer wall.

Schwartz also does not disclose vertical ribs extending in a straight line from a bottom of the container to an upper end of the container as set forth in claim 27. The ribs 13,15 in Edwards are segmented as shown in Fig. 1 and thus do not extend in a straight line from the bottom to the container to an upper end.

In view of the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 17-22 and 24-27 as being anticipated by Schwartz has been overcome and should be removed.

F-6976

Ser. No. 09/854,768

Claims 9-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaplin in view of Edwards. As claim 9-16 are cancelled, this rejection is now applicable only to claims 17-27.

The Examiner's rejection is respectfully traversed on the grounds that Chaplin and Edwards do not disclose a heat-insulating container including downwardly-facing ribs arranged on the outer side of the circumferential wall and extending a distance from the circumferential wall to form a double-layered reinforcing and insulating annular portion.

As discussed above, Edwards does not disclose this feature and the Examiner acknowledged that Chaplin does not disclose this feature.

Thus, one could not modify Chaplin in view of Edwards and arrive at the embodiments of the invention set forth in claims 17-27.

For the convenience of the Examiner, APPENDIX is provided herewith having a complete set of pending claims with all amendments effected therein.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

F-6976

Ser. No. 09/854,768

Please charge any deficiency or credit any overpayment to Deposit Account No.

10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

By and,

By H. F. Ruschmann
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

F-6976

Ser. No. 09/854,768

APPENDIX I

ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

-17. A heat-insulating container comprising:

a container body having

a bottom wall,

a circumferential wall coupled to a periphery of said bottom wall and extending upwardly from said bottom wall to define an inner space and an upper end, said circumferential wall being formed by at least two circumferential wall parts, each having a different diameter, and a circumferential ledge arranged between said wall parts, said wall parts being arranged such that a diameter of said circumferential wall decreases in a direction from said upper end to said bottom wall,

straight, vertical insulating ribs arranged on an outer side of said circumferential wall and spaced from one another, and

downwardly-facing subsidiary ribs arranged on said outer side of said circumferential wall and extending a distance from said circumferential wall to thereby form a double-layered reinforcing and insulating annular portion on said outer side of said circumferential wall, each of said subsidiary ribs being arranged

AI - 1

F6976 am 02.wpd

F-6976

Ser. No. 09/854,768

between adjacent ones of said vertical ribs and having opposite lateral edges coupled to the adjacent ones of said vertical ribs.

18. A heat-insulating container according to claim 17, wherein said body further includes an upper wall part having a flange formed around an upper open end of said body and an annular ledge arranged between said upper wall part and said circumferential wall and serving as an indication line for indicating a suitable limit of fluid receivable in said body.

19. A heat-insulating container according to claim 17, wherein said circumferential wall is integrally coupled to said periphery of said bottom wall.

20. A heat-insulating container according to claim 17, wherein said subsidiary ribs comprise a plurality of sets of subsidiary ribs, each set of subsidiary ribs extending in a circumferential direction at a different height along said container body.

21. A heat-insulating container according to claim 20, wherein said plurality of subsidiary ribs are coupled to said circumferential ledge each between the adjacent ones of said vertical ribs.

A I - 2

F6976 am 02.wpd

F-6976

Ser. No. 09/854,768

22. A heat-insulating container according to claim 17, wherein said container body is injection-molded.

23. A heat-insulating container according to claim 17, wherein said wall parts are arranged such that a diameter of said circumferential wall decreases in a stepwise manner in the direction from said upper end to said bottom wall to thereby form stepped portions.

24. A heat-insulating container according to claim 17, wherein said subsidiary ribs are spaced from said circumferential wall by a predetermined clearance in said double-layered reinforcing and insulating annular portion.

25. A heat-insulating container according to claim 17, wherein said circumferential ledge is positioned at a height of up to 50% to 70% from said bottom wall to said upper end of said circumferential wall.

26. A heat-insulating container according to claim 17, wherein said vertical ribs continuously extend along said outer side of said circumferential wall.

F-6976

Ser. No. 09/854,768

27. A heat-insulating container according to claim 17, wherein each of said vertical ribs extends along said outer side of said circumferential wall in a straight line from a bottom of said container body to said upper end of said container body.--

A I - 4

F6976 am 02.wpd